

**REMARKS**

The Office Action mailed December 27, 2004 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

**I. Summary of Rejections**

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1-3, 5-11, 13-16, 24, 25, 27-33, 35, 38, 41-43, 45-51, 55-61, and 63-69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 2,171,383 to Wettlaufer;
- Claims 1, 6, 7, 17, 21, 41, 54, 64, and 66-68 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,683,309 to Reimers;
- Claims 1-10, 13, 15, 16, 18, 24-29, 31, 33, 35, 38, 41-46, 48, 50, 51, 55-57, 59, 61, 64-67, and 69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 3,610,630 to Glover;
- Claims 12, 19, 20, 22, 23, 36, 37, 39, 40, 52, 53, 62, and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wettlaufer;
- Claims 17 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Wettlaufer and Reimers

**II. Summary of Claims**

Claims 1-10, 12-46, 48-67, and 69-70 are currently pending in the application, with claims 1, 24, 41, 55, and 64 being independent claims. Claims 1, 14, 24, 41, 49, 55, and 64 are amended and claims 11, 47, and 68 are cancelled, in accordance with the above amendments.

### III. Summary of Applied Prior Art

#### *Discussion of Wetlaufer*

Wetlaufer discloses a golf club that incorporates an adjustable weight distribution system. The primary components of the weight distribution system are a plate 30, a stud 31, a boss 32, a nut 33, and a washer 34. Stud 31 is embedded in boss 32 such that a portion of stud 31 extends vertically upward. Plate 30 defines a circular aperture that extends around stud 31 such that a lower surface of plate 30 rests upon boss 32. Washer 34 is then placed around stud 31 to rest upon an upper surface of plate 30. In addition, nut 33 extends around stud 31 and holds each of plate 30 and washer 34 into position. Another bolt 38 and one or more washers 39 may be secured to one or more slots 37 in plate 30. (Wetlaufer, column 3, lines 1-12 and Figures 2-5)

By loosening nut 33, plate 30 may be rotated to a desired position with respect to stud 31. For example, plate 30 may be positioned adjacent one side of a striking face of the club, adjacent another side of the striking face, or at a position therebetween (Wetlaufer, column 3, lines 13-26). In some situations, nut 33 may remain loose such that plate 30 rotates with respect to stud 31 during the golf swing (Wetlaufer, column 3, lines 27-33).

#### *Discussion of Reimers*

Reimers discloses a golf club that incorporates another adjustable weight distribution system. The primary components of the weight distribution system are a balancing disk 32, a first screw 60, and a second screw 68. Balancing disk 32 "is comprised of a circular base portion 46 and a wedge portion 48 which are integrally fashioned together to form a structure that is 'bi-level' in appearance" (Reimers, column 4, lines 26-30). As depicted in Figure 1, for example, balancing disk 32 is positioned adjacent a back surface of the club and first screw 60 extends through a center of balancing disk 32 in order to secure the position of balancing disk 32. Balancing disk 32 may also be rotated around first screw 60 such that wedge portion 48 is oriented to a desired position. Once positioned properly, first screw 60 and second screw 68 are tightened to secure the position of balancing disk 32.

*Discussion of Glover*

Glover discloses a golf club that incorporates yet another adjustable weight distribution system. The primary components of the weight distribution system are a pair of shafts 32 and multiple nuts 34. Shafts 32 are generally parallel to each other and are positioned within a hollow space or cavity in the club. Some of the nuts 34 are positioned around one of the shafts 32, and the remainder of the nuts 34 are positioned around the other shaft 32. In order to adjust the weight distribution of the golf club, nuts 34 may be moved along shafts 32.

**IV. The Claims Patentably Distinguish Over The Applied Prior Art***Discussion of Independent Claim 1*

Independent claim 1 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Independent claim 1 recites a golf club head having a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support and a weight. A center of gravity of the weight is offset from a longitudinal axis of the support. The weight is movable along the support and around the support to vary a position of a center of gravity of the golf club head in at least two directions with respect to the face. The weight is also securable in at least two positions along the support and in at least two positions around the support.

Wettlaufer discloses moving plate 30 around stud 31 in order to adjust the weight distribution of the club. Regardless of the rotational position of plate 30, the lower surface of plate 30 rests upon boss 32. That is, plate 30 may rotate with respect to stud 31, but plate 30 does not move along stud 31 when varying a position of a center of gravity of the club. The Office Action indicates, however, that plate 30 may move along stud 31 when assembling the golf club head. Although plate 30 may move along stud 31 when assembling the golf club head, plate 30 is not securable in at least two positions along stud 31. Rather, plate 30 is only securable in a position along stud 31 that places plate 30 against boss 32. In contrast with this configuration, independent claim 1 recites that the weight is securable in at least two positions along the support. Wettlaufer, however, does not teach or suggest the concept of securing plate 30 in at least two positions along stud 31.

Reimers discloses rotating balancing disk 32 around first screw 60. Regardless of the rotational position of balancing disk 32, a surface of balancing disk 32 rests upon a surface of the club. That is, balancing disk 32 may rotate with respect to first screw 60, but balancing disk 32 does not move along first screw 60 when varying a position of a center of gravity of the club. Although balancing disk 32 may move along first screw 60 when assembling the golf club head, balancing disk 32 is not securable in at least two positions along first screw 60. Rather, balancing disk 32 is only securable in a position along first screw 60 that places balancing disk 32 against the surface of the club. In contrast with this configuration, independent claim 1 recites that the weight is securable in at least two positions along the support. Reimers, however, does not teach or suggest the concept of securing balancing disk 32 in at least two positions along first screw 60.

Glover discloses moving nuts 34 along shafts 32 in order to adjust the weight distribution of the club. A center of gravity of each of nuts 34 corresponds with a center of the aperture through each of nuts 34. Accordingly, the center of gravity of each of nuts 34 coincides with a longitudinal axis of the corresponding shaft 32. In contrast with this configuration, independent claim 1 recites that a center of gravity of the weight is offset from a longitudinal axis of the support. Glover, however, does not teach or suggest the concept of offsetting the center of gravity of each of nuts 34 from the longitudinal axis of the corresponding shaft 32.

Based upon the above discussion, the Applicants respectfully submit that independent claim 1 is allowable over each of Wettlaufer, Reimers, and Glover. In addition, the Applicants submit that dependent claims 2-10 and 12-23 are allowable over Wettlaufer, Reimers, Glover, and combinations thereof for at least the same reasons.

#### *Discussion of Independent Claim 24*

Independent claim 24 is rejected as being anticipated by Wettlaufer and Glover. Independent claim 24 recites a golf club head having a shell and a weight positioning system. The shell has a face that provides a contact area for engaging a golf ball, and the weight positioning system is substantially located on an interior of the shell. The weight positioning system includes a support and a weight. The support has a longitudinal axis that is substantially parallel to the face. The weight is movably-connected to the support, and the weight is movable

along the support to vary a position of a center of gravity of the golf club head in a first direction with respect to the face. The weight is also movable around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face. Furthermore, the weight is securable in at least two positions along the support.

As discussed with respect to independent claim 1, Wettlaufer does not teach or suggest the concept of securing plate 30 in at least two positions along stud 31. In contrast with this configuration, independent claim 24 recites that the weight is securable in at least two positions along the support.

Glover discloses a configuration wherein shafts 32 are generally perpendicular to a face 16 of the golf club head, as in Figure 3 of Glover. One purpose of Glover is to provide for easily changing the balance of the head (Glover, column 1, lines 3-4). According to Glover, "Another area of individual golfer preference is the 'balance' of the club head, which as used herein refers to the distribution of weight within or the position of the center of gravity of the club head...perpendicular to the face of the club head" (Glover, column 1, lines 43-47). Furthermore, "the axis of each shaft 32 extends substantially perpendicular to the striking face 16....This feature is desirable..." (Glover, column 3, lines 30-38). In contrast with this configuration, independent claim 24 recites that the support has a longitudinal axis that is substantially parallel to the face.

Based upon the above discussion, the Applicants respectfully submit that independent claim 24 is allowable over each of Wettlaufer and Glover. In addition, the Applicants submit that dependent claims 25-40 are allowable over Wettlaufer, Glover, and combinations of Wettlaufer and Reimers for at least the same reasons.

#### *Discussion of Independent Claim 41*

Independent claim 41 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Independent claim 41 recites a golf club having an elongate shaft and a head positioned on an end of the shaft. The head includes a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support, a weight, and a locking mechanism. The support has a longitudinal axis, and the weight is movably-connected to the support such that a center of gravity of the weight is offset from the

longitudinal axis of the support. The weight is independently movable along the support to vary a position of a center of gravity of the golf club head in first direction with respect to the face. The weight is also independently movable around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face. The locking mechanism secures the weight in at least two positions along the support and in at least two positions around the support.

Based upon the above discussion, independent claim 41 recites that (1) the locking mechanism secures the weight in at least two positions along the support and in at least two positions around the support and (2) a center of gravity of the weight is offset from the longitudinal axis of the support. Accordingly, the same arguments submitted for independent claim 1 apply to independent claim 41.

Based upon the above discussion, the Applicants respectfully submit that independent claim 41 is allowable over each of Wettlaufer, Reimers, and Glover. In addition, the Applicants submit that dependent claims 42-46 and 48-54 are allowable over Wettlaufer, Reimers, Glover, and combinations thereof for at least the same reasons.

#### *Discussion of Independent Claim 55*

Independent claim 55 is rejected as being anticipated by each of Wettlaufer and Glover. Independent claim 55 recites a golf club having an elongate shaft and a head positioned on an end of the shaft. The head includes a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support and a weight. The weight is movable in three dimensions with respect to the support to vary a position of a center of gravity of the golf club head in the three dimensions. In addition, the weight is securable in at least two positions along the support and around the support.

As discussed above, Wettlaufer only discloses a configuration wherein plate 30 is only securable in a position along stud 31 that places plate 30 against boss 32. Wettlaufer, therefore, does not teach or suggest the concept of securing plate 30 in at least two positions along stud 31. In contrast, independent claim 55 recites that the weight is securable in at least two positions along the support and around the support.

Glover discloses moving nuts 34 along shafts 32 in order to adjust the weight distribution of the club. A center of gravity of each of nuts 34 corresponds with a center of the aperture through each of nuts 34. Accordingly, the center of gravity of each of nuts 34 coincides with a longitudinal axis of the corresponding shaft 32. When adjusting the position of nuts 34, each of nuts 34 and the center of gravity of each of nuts 34 only moves in one direction (i.e., along shafts 32). In contrast, independent claim 55 recites that the weight is movable in three dimensions with respect to the support to vary a position of a center of gravity of the golf club head in the three dimensions.

Based upon the above discussion, the Applicants respectfully submit that independent claim 55 is allowable over each of Wettlaufer and Glover. In addition, the Applicants submit that dependent claims 56-63 are allowable for at least the same reasons.

*Discussion of Independent Claim 64*

Independent claim 64 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Independent claim 64 recites a golf club head having a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support and a weight. The weight is movable in three dimensions with respect to the support to vary a position of a center of gravity of the golf club head in at least two directions with respect to the face. In addition, a center of gravity of the weight is offset from a longitudinal axis of the support, and the weight is securable in at least two positions along the support.

Based upon the above discussion, independent claim 64 recites that (1) a center of gravity of the weight is offset from a longitudinal axis of the support and (2) the weight is securable in at least two positions along the support. Accordingly, the same arguments submitted for independent claim 1 apply to independent claim 64.

Based upon the above discussion, the Applicants respectfully submit that independent claim 64 is allowable over each of Wettlaufer, Reimers, and Glover. In addition, the Applicants submit that dependent claims 65-67 and 69-70 are allowable over Wettlaufer, Reimers, Glover, and combinations thereof for at least the same reasons.

**V. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on February 22, 2005. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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